

EXHIBIT 9

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4 _____
5) Civil Action No.
In Re FLINT WATER CASES) 5:16-CV-10444-JEL-MKM
6) (Consolidated)
7)
8) Hon. Judith E. Levy
9) Mag. Mona K. Majzoub
10)
Elnora Carthan, et al.,)
11 Plaintiffs,)
12) Civil Action No.
-vs-) 5:16-CV-10444-JEL-MKM
Governor Rick Snyder,)
13 et al,)
Defendants.)
14 _____
15)

15 HIGHLY CONFIDENTIAL
16 VIDEOTAPED DEPOSITION OF ROBERT BINCSIK - VOL 1
17 Thursday, December 19, 2019
18 at 9:09 a.m.
19
20 Taken at: Butzel Long
41000 Woodward Avenue
21 Bloomfield Hills, Michigan 48304
22
23 REPORTED BY: LAURA STEENBERGH, CRR, RMR, RDR, CSR-3707
24
GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

1 A. Not anything specific.

2 Q. Were you of the belief that anybody at the city that was
3 involved with the water treatment plant was aware that
4 failing to treat the water properly was going to create
5 a substantial risk of harm to the residents?

6 A. I think -- I think Mike Glasgow had his doubts as to
7 whether he could treat the water adequately. I think he
8 in fact had sent some e-mails off to folks reflecting
9 that.

10 Q. All right. Had you had discussions with Mike about
11 those concerns?

12 A. Mike and I had a conversation prior to the plant
13 starting, a couple weeks, and he was concerned. He had
14 actually already sent that e-mail off and shown it to
15 me, but he was concerned about the ability of the plant
16 to perform properly.

17 Q. In his e-mail he talked about staff, having available
18 staffing to monitor the plant, is that correct?

19 A. Yes.

20 Q. Is that the concern that he expressed to you?

21 A. That's one of the things. The other thing was, you
22 know, the -- that water plant in its current
23 configuration or configuration that it was in then had
24 never really been run for a 60 or 90-day period as part

1 of a program really to commission it.

2 Q. Did he express a concern about that to you?

3 A. Yes.

4 Q. And what did he say?

5 A. He had requested, I think, 90 days to run the plant and
6 it was -- it was denied.

7 Q. And who had he made that request to?

8 A. Most likely Daugherty Johnson and Howard Croft.

9 Q. Any other concerns that Mike expressed to you prior to
10 the switch?

11 A. No, nothing I can think of.

12 Q. Do you believe that the city didn't provide the
13 resources that Mr. Glasgow needed to properly run the
14 treatment plant?

15 A. I believe he was put in a position that had a very
16 minimum probability of him being successful.

17 Q. And why do you say that?

18 A. Well, I think, you know, frankly the water plant was
19 really not ready to take on that, the physical plant
20 itself. The fact that really Mike in his own right
21 hadn't spent a number of years, had I don't think ever
22 commissioned a water plant to bring it online; and then
23 on top of that you had the issues of the staff, they
24 were all basically brand new, with the exception of a

1 couple of them. I think when you combine all that stuff
2 that there was really a small percentage that anybody
3 could be successful.

4 Q. I want to focus on what you knew at the time before the
5 switch, not what you've learned since then.

6 So were you of the belief that the water
7 treatment plant couldn't be properly operated prior to
8 the switch?

9 A. I don't believe under that set of circumstances we were
10 going to be successful.

11 Q. Did you tell anybody that?

12 A. I had a conversation with Howard about that actually in
13 one of the -- I think one of the times where they were
14 -- everybody was drinking the water from the plant. And
15 he had invited me outside to be a part of a picture
16 opportunity in front of the plant, and I told him that I
17 didn't want to be part of it. And he asked me why, and
18 I explained to him that one of two things is really
19 going to happen here, we're either going to be extremely
20 successful and this will be a great day in the history
21 of Flint, or this is going to be a really -- a tragedy
22 in the water industry. And I told him at the time I
23 didn't really now how it was going to turn out, but I
24 had my opinion that it was going to be very difficult

1 remember there was conversations about that needing to
2 be done all along, whether it was -- included the
3 complete treatment train or if we were just going to at
4 different times as we started to ready the plant, you
5 know, shake down just one of the processes at a time or
6 whatever, we had talked about it at some length.

7 Q. If I tell you that Warren Green sometimes uses the term
8 shakedown crews to talk about the need for a final 60 to
9 90-day plant test run, does that refresh your
10 recollection that Mr. Green used that terminology?

11 A. Yeah, we talked about shakedown. Like I said, we -- I
12 can remember some conversations regarding, like I said,
13 maybe doing it separately, maybe not shaking down all
14 the processes at once, but running water to maybe let's
15 say test out the flocculation areas and/or the
16 low-service pumps and things like that, so --

17 Q. Just I want to make sure your answer is clear. Your
18 answer is that yes, you do remember Mr. Green using the
19 term shakedown crews in connection with his
20 recommendation that the city do a final 60 to 90-day
21 plant test run?

22 A. I'm going to say I don't specifically remember him
23 saying that, but I remember there being conversations
24 over, you know, a long period of time, you know, several

1 months, talking about how different portions of the
2 process really needed to be -- they really needed to be
3 assessed, they needed to be ran, we needed to make sure
4 that we could deliver what we needed to do.

5 Q. Thank you. I'm going to shift topics now.

6 Earlier you said that -- you were asked about
7 Mr. Croft's background. And right before that you said
8 let's not compare Howard Croft to me. And I remember
9 you said that you didn't intend for that to be a
10 humorous statement, you really didn't want to be
11 compared to Mr. Croft. And I understand why. But then
12 you said that he had no background with respect to
13 public works.

14 What is your understanding of Mr. Croft's
15 background?

16 A. I think previously to working for the city he had a
17 solar panel company of some sort. I don't know his
18 whole life history. I know at some point he worked for
19 General Motors as an electrician in one of the plants.

20 Q. Is it fair to say, based upon your testimony today, that
21 you don't believe Mr. Croft was qualified to hold the
22 position of director of public works?

23 A. He wasn't qualified.

24 Q. This morning or early afternoon you indicated that in